

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 GENE ALLEN,

4 Plaintiff

Case No. 3:19-cv-00376-MMD-WGC

ORDER

5 v.

6 AARON FORD,

7 Defendant
8

9 **I. DISCUSSION**

10 Plaintiff, an inmate in the custody of the Nevada Department of Corrections
11 ("NDOC"), has submitted a civil rights complaint and has filed two incomplete applications
12 to proceed *in forma pauperis*. (ECF Nos. 1, 1-1, 16). On December 4, 2019, this Court
13 denied Plaintiffs incomplete applications to proceed *in forma pauperis* (ECF Nos. 1, 16)
14 and directed Plaintiff to file a fully complete application to proceed in forma pauperis, on
15 the correct form and attach both an inmate account statement for the past six months and
16 a properly executed financial certificate within thirty (30) days. (ECF No. 19). On
17 December 6, 2019, Plaintiff submitted another application to proceed *in forma pauperis*.
18 (ECF No. 20). Plaintiff's application to proceed *in forma pauperis* is incomplete. Under
19 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
20 proceed *in forma pauperis* and attach both an inmate account statement for the past six
21 months and a properly executed financial certificate. Plaintiff has not submitted an inmate
22 account statement for the past six months. (See ECF No. 20). The Court will retain
23 Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the
24 payment of the filing fee is resolved. Plaintiff will be granted a final opportunity to cure
25 the deficiencies of his application to proceed *in forma pauperis* by filing an inmate account
26 statement for the past six months, or in the alternative, pay the full filing fee for this action.
27 If Plaintiff fails to file an inmate account statement for the past six months, the Court will
28 dismiss the case in its entirety, without prejudice, to file a new case when Plaintiff is able

1 to acquire the necessary documents to file a complete application to proceed *in forma*
2 *pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
5 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
6 as the document entitled information and instructions for filing an *in forma pauperis*
7 application.

8 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
9 Plaintiff will either: (1) file an inmate account statement for the past six months in
10 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
11 (which includes the \$350 filing fee and the \$50 administrative fee).

12 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account
13 statement for the past six months, the Court will dismiss the case, without prejudice, for
14 Plaintiff to file a new case when he is able to acquire the necessary documents to file a
15 complete application to proceed *in forma pauperis*.

16 DATED: December 11, 2019

17 Warren G. Cobb
18 UNITED STATES MAGISTRATE JUDGE
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